

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ANDRE DARNELL OGBURN,
Plaintiff,

v.

KRISTOPHER STEECE et al.,
Defendants.

Case No. 21-10289
Honorable Shalina D. Kumar
Magistrate Judge David R. Grand

**ORDER ADOPTING REPORT AND RECOMMENDATION (ECF NO. 31)
AND GRANTING DEFENDANTS' MOTION FOR SUMMARY
JUDGMENT (ECF NO. 25)**

Pro se plaintiff Andre Darnell Ogburn, a Michigan Department of Corrections prisoner currently incarcerated at the Gus Harrison Correctional Facility, filed a civil rights action under 42 U.S.C. § 1983 alleging First and Eighth Amendment violations arising from events which occurred while he was housed at the Macomb Correctional Facility. ECF No. 1. This case was referred to the magistrate judge for all pretrial matters pursuant to 28 U.S.C. Section 636(b). ECF No. 20. Defendants filed a motion for summary judgment based on exhaustion, Ogburn filed a response, and defendants filed a reply. ECF Nos. 25, 28, 30.

On September 19, 2022, the assigned magistrate judge issued a Report and Recommendation ("R&R"). ECF No. 31. The R&R recommends

that the Court grant defendants' motion for summary judgment based on Ogburn's failure to exhaust the prison grievance process for any grievance related to his complaints against defendants. *Id.* No party has filed an objection to the R&R.

The Court has reviewed the record and **ADOPTS** the R&R relative to defendants' motion for summary judgment as the findings and conclusions of the Court.

Accordingly,

IT IS ORDERED that defendants' motion for summary judgment (ECF No. 25) is **GRANTED**.

Dated: October 31, 2022

s/Shalina D. Kumar
SHALINA D. KUMAR
United States District Judge